

**MINUTES OF THE
LAKE COUNTY PLANNING COMMISSION
January 27, 2009**

The Lake County Planning Commission hereby finds and determines that all formal actions were taken in an open meeting of this Planning Commission and that all the deliberations of the Planning Commission and its committees, if any, which resulted in formal actions, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Chairman Siegel called the meeting to order at 7:00 p.m.

ROLL CALL

The following members were present: Messrs. Adams, Franz (alt. for Schaedlich), Morse, Siegel, Smith (alt. for Sines), Zondag, and Mmes. Hausch and Pesec. Staff present: Messrs. Webster, Boyd, Radachy, and Ms. Truesdell.

MINUTES

Mr. Morse moved and Mr. Adams seconded the motion to approve the December 16, 2008 minutes as submitted.

All voted "Aye".
Two abstained.

FINANCIAL REPORT

Mr. Adams moved for approval of the December, 2008 Financial Report and Mr. Franz seconded the motion.

All voted "Aye".

ELECTION OF OFFICERS

Mr. Morse reported that the Nominating Committee met at 6:40 p.m. and nominated Walter Siegel for Chairman, Vanessa Pesec for Vice-Chair, and Jason Boyd for Secretary. The meeting adjourned at 6:45 p.m.

Mr. Smith moved and Ms. Hausch seconded the motion to elect Walter Siegel for Chairman, Vanessa Pesec for Vice-Chair, and Jason Boyd for Secretary.

All voted "Aye".

2009 MEETING DATES AND TIMES

Members reviewed the 2009 meeting calendar and agreed with the selection of the December 15th meeting date.

Mr. Adams moved and Mr. Smith seconded the motion to approve the 2009 meeting dates and times using the December 15th meeting date.

All voted "Aye".

PUBLIC COMMENT

There was no public comment.

LEGAL REPORT

Mr. Ben Neylon, Assistant Prosecuting Attorney, said there were no legal issues to report.

DIRECTOR'S REPORT

Mr. Webster said Fairport Harbor authorized a resolution directing the Village Administrator to enter into a contract with the Planning Commission to assist in their planning and zoning administration.

Mr. Boyd said that the final draft of Eastlake's combined plans should be delivered next week and final edits and billing for the \$3,000.00 cost should be done by early March. It will be paid by the Chagrin River Watershed Partners. The Perry Township Lane Road final draft should be delivered in February also.

Mr. Webster distributed an editorial from The News Herald recommending that Willowick use the Planning Commission staff for their future zoning and planning endeavors.

ANNOUNCEMENTS

Mr. Radachy said that the Ohio Planning Conference, Northeast Ohio Section, will hold their annual Planning and Zoning Workshop on June 5, 2009 at the Holiday Inn LaMalfa in Mentor. The participating members are from Ashtabula, Geauga, Lake, and Trumbull Counties.

SUBDIVISION REVIEW

Subdivision Activity Report

Mr. Radachy said the Concord Farms Subdivision, at the end of Weathersfield Drive, was recorded this month.

LAND USE AND ZONING REVIEW

Madison Township – Proposed Text Amendments to Sections 104 A-1, Agriculture, 106 R-1, Suburban Residence, and 107 R-2, Single-Family

Mr. Radachy said that Madison Township wants to add language to Section 519.1, Agricultural Exemption. The Township proposed to regulate certain agricultural uses. The following shall be prohibited: raising, breeding, dairying, or maintaining farm animals/livestock such as horses, pigs, cows, sheep, goats, chickens, or similar livestock or fowl in any platted subdivision on lots of one acre or less.

One of the issues with the proposed regulations is that Section 711.13.1 does not exist in the ORC. It should be 711.131. The proposed language is written so that it does not take into account that lot splits do not require a plat. This does not apply to any platted subdivision pursuant to 711.05, 711.09, 711.10 and 711.13.1 of the ORC. The second issue is the fact that 711.05, 711.09 and 711.10 defines who approves the subdivision plat. In 711.05, the County Commissioners approve the plat and their representative authority is the Planning Commission.

Mr. Radachy said that staff was concerned about prohibiting agriculture. There are various positions on this issue and many communities have prohibited agriculture, while others have heavily regulated agriculture. Staff recommends that legal counsel review this issue.

Mr. Radachy said ORC 519.01 defines agriculture well and the township should consider sticking to the definition. Staff recommends the revision of the proposed language as follows if the township wishes to continue with a prohibition:

In Section 104.1.10 Lots 1 acres or less in any platted subdivision approved under 711.05, 711.09 or 711.10 of the ORC or in any area consisting of fifteen or more lots approved under section 711.131 of the revised code that are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which is contiguous to one another and adjacent to the opposite side of the same dedicated public road, the following should be prohibited: animal husbandry, poultry husbandry and the production of poultry, poultry products and dairy production.

Staff is recommending approval of placement of the text amendment to Sections 125.11 instead of Sections 104, 106, and 107.

Mr. Morse moved and Ms. Hausch seconded the motion to accept the recommendations of the Land Use and Zoning Committee and recommend approval of the Proposed Text Amendments to Sections 104 A-1, Agriculture, 106 R-1, Suburban Residence, and 107 R-2, Single-Family in Madison Township.

All voted “Aye”.

Perry Township – Proposed Text Amendments to Sections 301.01, 302.01, 303.01 and 304.01, Bed and Breakfast Conditional Use

Mr. Radachy said the Township amended its sign regulations in 2007 and did not amend these sections to show the new changes. The Township was removing the line “non-illuminated, mounted flat against the wall of the principle building”, and changing the section reference in the text from 409.09(b) to 409.09(a)(1). The Land Use and Zoning Committee recommended the Township should accept the changes.

Mr. Adams moved and Mr. Franz seconded the motion to accept the recommendation of the Land Use and Zoning Committee to approve the proposed text amendments to Sections 301.01, 302.01, 303.01 and 304.01, Bed and Breakfast Conditional Use in Perry Township.

All voted "Aye".

Mr. Troy arrived at 8:23 p.m.

REPORTS OF SPECIAL COMMITTEES

There were no reports of Special Committees.

CORRESPONDENCE

Fairport Harbor Village Resolution

Mr. Webster said that we have a contract with Fairport Harbor Village to assist in site review as needed. It is a salary-based contract not to exceed \$1,584.00 for a 12-month period.

Subdivision Plats and Hydric Soils Memo

Mr. Webster said that a letter was sent from the Planning Commission to the Commissioners recommending that they put language regarding hydric soils on the plat through the Lake County Building Department regulations. The Prosecutor's opinion states that, "Because the planning commission has no authority to enact soil regulation provisions, it has no authority to require the plat language."

OLD BUSINESS

NEW BUSINESS

Lake County Subdivision Regulations Changes – Public Hearing

Mr. Radachy said that revisions to the Lake County Subdivision Regulations were incorporated and included in their handouts.

Mr. Siegel asked for a motion to approve the changes to the Lake County Subdivision Regulations, Articles III, IV, and V.

Mr. Morse moved and Ms. Pesec seconded the motion to accept the recommended changes to the Lake County Subdivision Regulations, Articles III, IV, and V.

All voted "Aye".

Subdivision Plats and Hydric Soils Memo

Mr. Franz commented that in reading through the memo sent to the Commissioners, he noted that the Planning Commission through the Prosecutor's Office has no jurisdiction over soil surveys. He questioned the Planning Commission's request to attach information on the reported geological conditions. It is contradictory.

Mr. Radachy said that the recommended advice allowed us to ask for soil surveys in the preliminary plan and improvement plans. Mr. Radachy stated the Prosecutor's Office would not allow us to put language on the plat stating that there were hydric soils on the property. Several years ago, the Subsurface Drainage Taskforce looked into this and the warning language was recommended. The Prosecutor informed us that although we could not ask for that information on the plat, the Building Department could. The intent was to inform future homeowners and builders of the potential water table when they design the home, especially homes with basements.

Ms. Pesec said that even though a developer would know, a homeowner would not. The language would only say what type of soil there was. This is intended to inform potential home buyers.

Mr. Troy said he understood that the concern of the Planning Commission was to protect a buyer by giving factual information and not to impose upon builders. He knew there was a recommendation made to the Board of Commissioners and they would review it.

Mr. Webster said that not all builders were aware, so it would protect the builder also. It is there to provide design information to the builders.

Mr. Franz said that the building code in Ohio does address hydrologic conditions, whether a basement is damp-proofed or water-proofed. This language would help the developers know there is a difference and that statement needs to be on those drawings when the plan is submitted.

Committee Membership

Mr. Radachy said that under the Ohio Revised Code, Planning Commission members who have designated alternates who can no longer serve must send a written notice to the Board of Commissioners stating that fact. This letter is from the Planning Commission member and not the alternate.

PUBLIC COMMENT

Mr. Siegel presented a Resolution of Recognition from the Planning Commission members expressing appreciation for his 44 years of dedication and employment at the Planning Commission.

WHEREAS, Darrell C. Webster has served the Lake County Planning Commission with fortitude and a deep personal commitment for 44 years as a Draftsman, Planning Assistant, Planning Coordinator and, since 1997 to this date, as Director and Secretary.

WHEREAS, Darrell C. Webster has shown significant knowledge, patience and perseverance to become instrumental in achieving a better working atmosphere between the Lake County agencies and the Planning Commission staff; and

WHEREAS, Darrell C. Webster is a proven leader by actively supporting and participating in numerous planning and zoning initiatives at the regional, county, municipal, township, and ecological levels. Mr. Webster has provided support and guidance to this office to prepare and maintain comprehensive planning and land subdivisions in Lake County along with other statutory duties for the five townships and other Lake County communities. Mr. Webster is a leader who has administered and overseen the staff's activities as they reached out to communities to provide more in-depth zoning assistance; and

WHEREAS, Darrell C. Webster is a civic-minded and community-oriented person whose involvement in 18 local agency committees as a member, officer or Lake County representative during his tenure as Director were instrumental in helping to establish a more open relationship between community boundaries, Lake County offices and the Planning Commission staff. He was an integral part in achieving a regional approach of addressing the Lake Erie shoreline through the Lake County Coastal Plan Committee's Coastal Development Plan and achieving a more open relationship with the City of Mentor in his involvement with the Marsh Area Regional Coalition and the Special Area Management Plan; and

BE IT FURTHER RESOLVED, the Lake County Planning Commission recognizes Darrell C. Webster for serving with distinction for 44 years, acknowledges all of the above, and regretfully accepts the resignation by Darrell C. Webster as Director of the Lake County Planning Commission.

ADOPTED BY: The Lake County Planning Commission on this 27thth day of January, 2009.

Ms. Hausch moved and Mr. Franz seconded the motion to adopt the Resolution of Recognition for Darrell C. Webster.

All voted "Aye."

Mr. Siegel presented a brass and wood plaque of the January 3, 2009 editorial from The News Herald.

Mr. Webster said he was confident that he was leaving the department in good hands.

Ms. Hausch expressed her appreciation of the long-time working relationship she had with Mr. Webster.

Mr. Zondag said Mr. Webster will continue as a member of the Ohio State University Extension Board emphasizing their enduring relationship.

Mr. Troy said that Mr. Webster was presented with a Resolution of Appreciation from the Commissioners at the Commissioners meeting and that Mr. Webster would continue as his alternate to the Western Reserve Resource Conservation and Development Council and the Chagrin River Watershed Partners. He said that Lake County is a much better place and that everyone benefited and will continue to benefit for many generations from Mr. Webster's dedication.

EXECUTIVE SESSION

Mr. Siegel asked for a motion to go into Executive Session.

Ms. Pese moved and Mr. Franz seconded the motion to go into Executive Session at 7:39 p.m.

All voted "Aye."

It was moved and seconded to close the Executive Session at 8:26 p.m.

All voted "Aye."

Mr. Troy moved that Mr. Boyd be promoted to the position of Planning Director effective Monday, February 2, 2009 at a salary of \$60,000.00.

All voted "Aye."

ADJOURNMENT

It was moved and seconded to adjourn the meeting.

All voted "Aye."

The meeting adjourned at 8:27 p.m.